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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,706	10/09/2001	Sheau Yu Hsu	STAN210	1555

24353 7590 12/13/2002

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EXAMINER
LI, RUIXIANG

ART UNIT	PAPER NUMBER
1646	

DATE MAILED: 12/13/2002 7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/682,706	HSU ET AL.	
	Examiner	Art Unit	
	Ruixiang Li	1646	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 January 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-22* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-3, drawn to a composition comprising a stresscopin peptide, classified in class 514, subclass 12; class 530, subclasses 300, 350.

II. Claim 4, drawn to a method of appetite suppression, classified in class 514, subclass 12.

III. Claim 5, drawn to a method for cardioprotection, classified in class 514, subclass 12.

IV. Claim 6, drawn to a method for reduction of edema, classified in class 514, subclass 12.

V. Claim 7, drawn to a method for reduction of inflammation, and organ graft rejection, classified in class 514, subclass 12.

VI. Claim 8, drawn to a method for the reduction of hypertension, classified in class 514, subclass 12.

VII. Claim 9, drawn to a method for the treatment of stress related to trauma, classified in class 514, subclass 12.

VIII. Claim 10, drawn to a method of treatment for affective disorders, classified in class 514, subclass 12.

IX. Claims 11-19, drawn to an isolated nucleic acid and a vector, classified in class 536, subclass 23.5 and class 435, subclass 320.1.

X. Claim 20, drawn to an antibody, classified in class 530, subclass 387.9.

XI. Claim 21, Drawn to a non-human transgenic animal, classified in class 800, subclass 8.

XII. Claim 22 (in part), drawn to a method of screening for biologically active agents that modulate stesscopin function, the method comprising combining a candidate biologically active agent with (a) a mammalian streecopin peptide or (b) a cell comprising a nucleic acid encoding a mammalian stresscopin peptide, classified in class 435, subclasses 6, 7.1.

XIII. Claim 22 (in part), drawn to a method of screening for biologically active agents that modulate stesscopin function, the method comprising combining a candidate biologically active agent with (c) a non-human transgenic animal model for stresscopin gene function, classified in class 435, subclasses 6; class 800, subclass 8.

2. The inventions are distinct, each from the other for the following reasons. Inventions I, IX, X, and XI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP §806.04, MPEP §808.01). In the instant case, the different inventions are drawn to completely different products, nucleic acid molecules, polypeptides, antibodies, or transgenic animals. These molecules/products have completely different structures and biological functions which are not interchangeable and which require non-cohesive searches and considerations.

3. Inventions II-VIII, XII, and XIII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP §806.04, MPEP §808.01). In the instant case, the different inventions are drawn to completely different methods having completely different method steps and having completely different outcomes. Inventions II-VIII are drawn to methods for treating various disorders, which have different pathological conditions, whereas Inventions XII and XIII are drawn to methods of screening for stesscopin modulators using a mammalian streecopin peptide, a cell comprising a nucleic acid encoding a mammalian stresscopin peptide, or a non-human transgenic animal model for stresscopin gene function. Each method is unique and not required one for another. Thus, the methods are exclusive and require non-cohesive searches and considerations.

4. Inventions I is related to Inventions II-VIII as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP §806.05 (h)). In the instant case, the polypeptide in the composition may be used in a materially different process such as to immunize mice to produce an antibody. For the same reason, Invention I is related to Invention XII, but it is a distinct invention from Invention XII.

5. Invention IX is related to Inventions XII and XIII as product and process of use. The invention can be shown to be distinct if either or both of the following can be shown:

(1) the process for using the product as can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP §806.05 (h)). In the instant case, In the instant case, the nucleic acids may be used in a materially different process such as production of a polypeptide.

6. Invention X is related to Inventions XII and XIII as product and process of use. The invention can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP §806.05 (h)). In the instant case, the antibody may be used in a materially different process such as to immunoprecipitate or purify the stresscopin peptide.

7. Invention IX is an independent invention from Inventions II-VIII; Invention X is an independent invention from Invention II-VIII; Invention XI is an independent invention from Inventions II-VIII. The different inventions are drawn to distinct product and method inventions.

8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

9. Because these inventions are distinct for the reasons given above and the search required for a single group is not required for any other group, restriction for examination purposes as indicated is proper.

10. Furthermore, the application contains 6 nucleic acid/amino acid sequences (SEQ ID NOS 1-6). Each individual sequence represents a structural and functionally distinct entity that is capable of supporting a separate patent. The search and consideration of more than a single sequence constitutes an undue search burden on the office, given the ever-increasing size of the database.

Applicant is advised that a reply to this requirement must include an identification of a nucleic acid sequence or an amino acid sequence that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48 (b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48 (b) and by the fee required under 37 CFR 1.17 (I).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruixiang Li whose telephone number is (703) 306-0282. The examiner can normally be reached on Monday-Friday, 8:30 am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached on (703) 308-6564. The fax phone number for this Group is (703) 305-3014 or (703) 308-4242.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [yvonne.eyler@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Ruixiang Li
Examiner
December 11, 2002

YVONNE EYLER, PH.D
SUPERVISORY PATENT EXAMINER
TECHNOLOGY 600